

**SAFER & STRONGER COMMUNITIES SCRUTINY COMMITTEE
8 NOVEMBER 2010**

**QUARTERLY REPORT ON THE USE OF THE REGULATION OF
INVESTIGATORY POWERS ACT 2000 BY OXFORDSHIRE
COUNTY COUNCIL**

Report by Deputy Head of Trading Standards and Community Safety

Introduction

1. The Regulation of Investigatory Powers Act 2000 ('the Act') creates the legal framework for the lawful use of covert surveillance and access to telecommunications data by public authorities. Prior to the introduction of this Act, the use of covert surveillance and access to communications data were not controlled by statute. Codes of Practice issued under this Act contain the detail that public authorities must have regard to when using covert surveillance or accessing communications data.
2. There is no direct sanction against Local Authorities within the Act for failing to comply with its provisions. Nevertheless covert surveillance or accessing communications data by its nature is an interference of a person's right to a private and family life guaranteed under Article 8 of the European Convention on Human Rights. The consequences of not obtaining prior authorisation in accordance with the Act may mean that the action is unlawful by virtue of Section 6 of the Human Rights Act 1998 i.e. a failure by the Authority to conduct this work in accordance with human rights conventions.
3. The Codes of Practice under the Act require that elected members review the Authority's use of the Act quarterly and review the Authority's policy annually. This paper provides a summary of the activities undertaken by Oxfordshire County Council that fall within the scope of this Act for the period 1 April 2010 to 30 September 2010.

Use of the Act by Oxfordshire County Council

4. The table below summarises the applications for activities falling within the scope of the Act that have been considered by the designated authorising officers. Some explanation on common activities may assist in understanding the activities concerned.
5. **Under-age sales test purchasing in shops.** Trading Standards will carry out test purchases of age restricted goods on a number of occasions throughout the year. Such test purchases are one aspect of the work that the service carries out with the aim to reduce the availability of age restricted goods to persons below the legal minimum age. The age restricted goods concerned may include cigarettes, knives, alcohol, fireworks and solvents. Test purchasing and other activities are carried out in order for the service to

meet its responsibilities to enforce age restricted sales legislation and to support community safety strategies.

6. Premises are selected for test normally as a result of intelligence or complaints from the public, but some routine market surveillance is also carried out. The operation involves a young volunteer attempting to buy the age restricted product whilst being observed by a trading standards enforcement officer. The test purchases are carried out in accordance with national guidance and the young volunteer will state their true age if challenged. No recording equipment is used.
7. Should a premises fail a test purchase, officers will investigate the circumstances for the sale occurring (e.g. what training has been provided to the sales assistant concerned, what policies and procedures have been adopted by the business, etc.). On the basis of this investigation advice and assistance may be offered to the business concerned. Further test purchases are then carried out at a later date to determine whether the business has improved.
8. **Doorstep crime related surveillance.** It is known that doorstep criminals repeatedly victimise vulnerable people. Frequently, Trading Standards is made aware of an incident and the time when it is suspected that the suspect will return, normally to attempt to obtain further money from the victim. In these circumstances surveillance is carried out at the victim's home, with their consent, to attempt to identify and detain the suspect. The victim's family and regular visitors to the victim's property are made aware of the surveillance in order to minimise intrusion.

Date	Service requesting authorisation	Description of activity	Granted/ refused	Outcome
27.06.10	Trading Standards	Under-age sales test purchasing in shops (cigarettes) (11 premises in Oxford).	Granted	Only 16 premises were tested. 6 failed and 10 passed. Remaining premises to be tested at a later date.
27.06.10	Trading Standards	Under-age sales test purchasing in shops (cigarettes) (8 premises in Kidlington, Didcot, Thame, Wheatley and Witney).	Granted	
03.08.10	Trading Standards	Under-age sales test purchasing in shops (knives) (9 premises in Didcot, Abingdon, Oxford and Wheatley).	Granted	Only 7 premises were tested and 2 failed. Remaining premises to be tested at a later date.

07.09.10	Trading Standards	Surveillance on property in Didcot with owner's consent following a doorstep crime incident.	Granted	Suspect did not return to the premises. Surveillance ceased.
22.09.10	Trading Standards	Under-age sales test purchasing in public houses and restaurants (cigarettes) (12 premises in Oxford, Eynsham and Bicester).	Granted	Operation on-going.
22.09.10	Trading Standards	Under-age sales test purchasing in a shop in Oxford (cigarettes).	Granted	Operation on-going.
22.09.10	Trading Standards	Surveillance on property in Chinnor with owner's consent following a doorstep crime incident.	Granted	Operation on-going.
27.09.10	Trading Standards	Surveillance on property in Goring with owner's consent following a doorstep crime incident.	Granted	Operation on-going.

Office of Surveillance Commissioners' Inspections

9. The Council's arrangements for authorising RIPA are subject to formal inspection by the Office of Surveillance Commissioners. Inspections are usually conducted by a retired member of the judiciary who inspects the policies and procedures of the Council and undertakes a review of all authorisations. The last inspection took place on the 7 May 2008 and no new inspection is scheduled.

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Background papers: Nil

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